

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAISY WASHINGTON-GROSS,

Plaintiff,

Case No. 16-cv-11298

HONORABLE VICTORIA A. ROBERTS

v.

NIKE, INC.,

Defendant.

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ORDER DISMISSING ACTION AS FRIVOLOUS

On April 8, 2016, Daisy Washington-Gross filed a *pro se* Complaint against Nike, Inc., seeking three billion dollars for Nike's alleged infringement of her pending patent. In addition, she filed a motion requesting the Court grant her the rights to sue Nike, Inc. and all who have infringed upon her invention. ECF No. 2. Washington-Gross requests to proceed *in forma pauperis*. ECF No. 3.

The Court **GRANTS** the application to proceed *in forma pauperis*. Washington-Gross's Motion is **DENIED**. This action is **DISMISSED** without prejudice under 28 U.S.C. § 1915(e)(2)(B) as frivolous and for failing to state a claim on which relief may be granted.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss any action filed *in forma pauperis* that is factually frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from suit. Factual frivolousness includes allegations that are "clearly baseless," "fantastic," or "delusional." See *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989).

Washington-Gross's Complaint is comprised of disconnected and factually frivolous allegations. None of the filings with the Court include supporting documentation for or list the patent application number. The Complaint does not articulate how the alleged pending patent has been infringed; instead, it says that Washington-Gross wrote a letter to Nike, that she inquired about whether Nike could make a particular shoe by the 1996 Olympics, and that Nike has an app. She does not explain how the patent was infringed, what product(s) infringed, or what aspects of the pending patent were infringed.

The Court finds Washington-Gross's Complaint frivolous pursuant to Section 1915(e), as it contains clearly baseless factual allegations.

Washington-Gross's request to proceed *in forma pauperis* is **GRANTED**. Her Complaint is **DISMISSED** without prejudice, and the Motion is **DENIED**.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: April 19, 2016

The undersigned certifies that a copy of this document was served on the attorneys of record and Daisy Washington-Gross by electronic means or U.S. Mail on April 19, 2016.

S/Carol A. Pinegar
Deputy Clerk